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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

TRIANGLE DIVERSIFIED INVESTMENTS and
ZIN INVESTMENTS LIMITED,

Defendants.

Adv. Pro. No. 10-04463 (SMB)

TRUSTEE'S REQUEST FOR JUDGMENT BY DEFAULT

TO: CLERK OF THE COURT
UNITED STATES BANKRUPTCY COURT

Irving H. Picard, (the "Trustee"), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-III ("SIPA"), and Bernard L. Madoff, by and through his undersigned counsel, respectfully requests that the Clerk of the Court issue a judgment by default against defendant Triangle Diversified Investments pursuant to Rule 55(b)(1) of the Federal Rules of Civil Procedure, made applicable to this Adversary Proceeding by Federal Rule of Bankruptcy Procedure 7055-2(a), for failure to plead or otherwise defend the above-captioned action as it fully appears from the Court file and from the attached Affidavit.

WHEREFORE, the Trustee respectfully requests that this Court grant the Trustee's Request for Judgment by Default in its entirety and provide for such other relief as this Court deems just and proper.

Dated: New York, New York
August 1, 2018

Respectfully submitted,

/s/ Peter B. Shapiro

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Plaintiff,

v.

TRIANGLE DIVERSIFIED INVESTMENTS and
ZIN INVESTMENTS LIMITED,

Defendants.

Adv. Pro. No. 10-04463 (SMB)

AFFIDAVIT FOR JUDGMENT BY DEFAULT

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

Peter B. Shapiro, being duly sworn, hereby attests as follows:

1. I am a member of the Bar of this Court and associated with the firm of Baker & Hostetler LLP, which is counsel for Irving H. Picard ("Trustee"), trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-III ("SIPA"), and the estate of Bernard L. Madoff, individually. I am familiar with all the facts and circumstances in this action.

2. I make this affidavit pursuant to Rule 7055-2(a) of the Local Rules of the Bankruptcy Court for the Southern District of New York in support of the Trustee's application for entry of a default judgment against defendant Triangle Diversified Investments ("TDI").

3. This action is an adversary proceeding commenced before the same Court before which the main underlying SIPA proceeding, No. 08-01789 (SMB) (the "SIPA Proceeding"), is pending. The SIPA Proceeding was originally brought in the United States District Court for the Southern District of New York as *Sec. & Exch. Comm'n v. Bernard L. Madoff Inv. Sec. LLC, et al.*, No. 08 CV 10791, and has been referred to this Court. This Court has jurisdiction over this adversary proceeding under 28 U.S.C. § 1334(b) and 15 U.S.C. §§e(b)(2)(A), (b)(4). This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A), (H), and (O).

4. On November 30, 2010, the Trustee commenced this adversary proceeding by filing a complaint (the "Complaint") against several defendants, including TDI. (Dkt. No. 1.)

5. On March 16, 2011, the Clerk of this Court issued an amended summons upon Defendants. (Dkt. No. 5.)

6. On March 16, 2011, the Trustee, in accordance with Bankruptcy Rule 7004(b) of the Federal Rules of Bankruptcy Procedure, timely served the Summons and Complaint upon TDI in the United States. (*See* Dkt. No. 6.) On March 29, 2011, in accordance with Bankruptcy Rule 7004(b) of the Federal Rules of Bankruptcy Procedure, timely served the Summons and Complaint upon TDI in the Cayman Islands. (*See* Dkt. No. 7.) Affidavits of Service evidencing proper and timely service were filed with the Court. (Dkt. Nos. 6 and 7.)

7. Despite being duly served with the Summons and Complaint, TDI did not file an answer, move, or otherwise respond to the Complaint, and the time to do so has expired.¹

8. A true and correct copy of the Certificate of Default against TDI obtained under Local Bankruptcy Rule 7055-1 is attached hereto as Exhibit 1.


9. Attached hereto as Exhibit 2 is a true and correct copy of the Affidavit of Service reflecting proper service of the Clerk's Entry of Default against TDI.

10. This action seeks judgment against TDI for the amount of \$7,471,312 pursuant to Count One of the Complaint, which is justly due and owing, and no part of which has been paid.

11. I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief.


Peter B. Shapiro

Sworn to before me this
1st day of August, 2018


Notary Public **Deborah C. Marino**
Notary Public, State of New York
No. 01MA4738528
Qualified in Orange County
Commission Expires August 31, 2019 21

¹ Following TDI's failure to timely answer, move or otherwise respond to the Complaint, the Trustee filed an amended complaint, which did not alter the claims against TDI, and was not served on TDI.

Exhibit 1

UNITED STATES BANKRUPTCY COURT
Southern District of New York

In re: Administrative Case Re: 08-1789 (Securities Invest

Bankruptcy Case No.:
08-99000-smb

Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment
Securities LLC

Plaintiff(s),

–against–

Adversary Proceeding No.
10-04463-smb

Triangle Diversified Investments
Zin Investments Limited
Triangle Diversified Investments LLC

Defendant(s)

ENTRY OF DEFAULT

It appears from the record that the following defendant failed to plead or otherwise defend in this case as required by law.

Name:	Triangle Diversified Investments
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Therefore, default is entered against the defendant as authorized by Bankruptcy Rule 7055.

Dated: 5/16/14

Vito Genna

Clerk of the Court

By: /s/ Greg White

Deputy Clerk

Exhibit 2

BAKER & HOSTETLER LLP

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Robertson D. Beckerlegge
Matthew J. Moody

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

TRIANGLE DIVERSIFIED INVESTMENTS, ZIN
INVESTMENTS LIMITED, and TRIANGLE
DIVERSIFIED INVESTMENTS LLC,

Defendants.

Adv. Pro. No. No. 10-04463 (SMB)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

I, **Sarah B. Roberts**, being duly sworn, depose and say: I am more than eighteen years old and not a party to this action. My business address is Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, NY 10111.

On May 28, 2014, I served the *Clerk's Entry of Default against Zin Investments Limited* and the *Clerk's Entry of Default against Triangle Diversified Investments* by emailing the interested parties true and correct copies via electronic transmission to the email addresses designated for delivery and/or by placing true and correct copies thereof in sealed packages designated for overnight delivery to those parties as set forth on the attached Schedule A.

TO: *See Attached Schedule A*

/s/ Sarah B. Roberts

SARAH B. ROBERTS

Sworn to before me this
4th day of June, 2014

/s/ Sonya M. Graham

Notary Public

Sonya M. Graham

Notary Public, State of New York

No. 01GR6133214

Qualified in Westchester County

Commission Expires: Sept.12, 2017

Schedule A

Servenco Asset Management
53 Forest Avenue, Suite 200
Old Greenwich, CT 06870